

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2816 of 1992

Date of decision: 10-9-97

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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TANUBEN V DAVE

Versus

DEVELOPMENT COMMISSIONER  
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Appearance:

MR SM MAZGAONKAR for Petitioner  
Mr. S. R. Divetia for Respondent No. 1, 6  
MR G.M. Barot for Respondent No. 2 and 3  
MR A. D. Mithani for Respondent No. 4 & 5  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/09/97

ORAL JUDGEMENT

This petition has been filed by the petitioner, a Balmandir teacher of Ambaji Gram Panchayat and prayer has been made for direction to respondents to give her salary in the pay-scale of Rs.290-560 with all consequential benefits. The petitioner has being given appointment to the post of Balmandir Teacher by the respondent Panchayat vide order dated 1-9-1983 and she has claimed this benefit from the aforesaid date. The facts and the grounds of challenge raised in the special civil application are not required to be given in detail. The counsel for the petitioner produced on record of this special civil application, by way of amendment, notification of the Panchayat and Rural Housing Department, Gujarat State, dated 23rd June, 1997. Under the said resolution pay-sales of Balmandir Teachers of Ambaji Gram Panchayat were prescribed at Rs.260-350 with effect form 1-1-1973 and Rs.950-1500 with effect from 1-1-1986. The counsel for the petitioner submitted that in view of the aforesaid resolution the Balmandir Mandir Teachers of Ambaji Gram Panchayat are entitled to the pay-scale of Rs.260-360 till 31-12-1985 and thereafter Rs.950-1500 with effect from 1-1-1986. This resolution of the Government has not been controverted by the respondents.

2. The counsel for the petitioner very fairly submitted that though the petitioner claimed pay-scale of Rs.290-560, now he restricts his claim and is satisfied with the pay-scale of Rs.260-350. Accordingly, prayer has also been made by the petitioner by amending the special civil application for pay-scale of Rs.950-1400.

3. In view of the aforesaid Government Resolution the claim of the petitioner for pay-scale of Rs.260-350 from the date of her appointment till 31st December, 1985 and for the pay-scale of Rs.950-1400 from 1-1-1986 deserves acceptance. The special civil application stands disposed of in terms of Government Resolution dated 23rd June, 1997. The respondents are directed to fix the pay of the petitioner in the pay-scale of Rs.260-350 from the date of her appointment as Balmandir teacher, and the arrears on account of fixation of pay in the pay-scale of Rs.260-350 payable to the petitioner from the date of her appointment till 31-12-1985 be calculated. The arrears payable to the petitioner in the pay-scale of Rs.950-1400 from 1-1-1986

also be calculated. All these exercises, including payment of the amount of arrears to the petitioner, shall be completed within a period of six months from the date of receipt of copy of this order. Special civil application stands disposed of in the aforesaid terms. Rule made absolute accordingly. No order as to costs.

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